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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jeffrey S. Bauer

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EXAMINER

COUNTS, GARY W

ART UNIT

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1641

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

Continuation of 3 NOTE: Amended claims 76, 77 and 79 recite new limitations i.e. “as a liquid and dried”, “covers” and “the test strip comprises multiple lines having detectable tracer”, the claims also delete recitations and the amended claims thus include a new strip embodiment that would require further consideration and a further search.

Continuation of 11 NOTE: Applicant’s arguments directed to the combination of Boehringer et al and Attridge are not found persuasive because of reasons of record and further as stated previously Attridge is relied upon for teaching that it is known in the art to include delayed release agents in lateral flow assays such as test strips and the Examiner has combined Attridge with Boehringer et al for the incorporation of a delayed release agent into the test strip of Boehringer et al. Further, with respect to Applicant’s arguments that there is no motivation to combine the references, this is not found persuasive because of reasons stated in the previous office actions and further KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing KSR, 82, USPQ2d at 1396)(available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY W. COUNTS whose telephone number is (571)272-0817. The examiner can normally be reached on M-F 8:00 - 4:30.

Art Unit: 1641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Gary W. Counts/
Examiner, Art Unit 1641

/Long V Le/
Supervisory Patent Examiner, Art Unit 1641